

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
WALTER P. HUGHES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Docket No. 04 11662NMG
	)	
THOMAS McMENAMON, JR.	)	
	)	
and	)	
	)	
AMERICA ONLINE, INC.,	)	
	)	
Defendants.	)	
_____	)	

**[PROPOSED] ORDER**

The matter came before the Court on Defendant America Online, Inc.'s Motion to Dismiss.

Because Plaintiff's claims are barred by principles of res judicata and Plaintiff has failed to state a claim upon which relief can be granted, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, it is hereby **ORDERED** that Defendant America Online, Inc.'s Motion to Dismiss is **GRANTED**. Plaintiff's claims against America Online, Inc. are **DISMISSED WITH PREJUDICE**.

Entered: \_\_\_\_\_, 2004

\_\_\_\_\_  
Nathaniel M. Gorton  
United States District Court  
District of Massachusetts